

## TEST OF BAILEY'S OPINION

It Will Be Seen Whether Law or Politics Will Prevail as to the Salary Grab.

Councilman Martindale Applies for an Injunction to Prevent the Controller and Treasurer Paying Increased Salaries to Officials.

City Attorney Bailey now has an opportunity of sustaining in court that kazy opinion of his on the legality of the salary-grab. Councilman Robert Martindale, by his attorneys, C. S. Denny, A. L. Mason and Charles Martindale, yesterday filed in Room 3 of the Superior Court a complaint asking a temporary injunction against the payment of these illegally increased salaries by the controller and treasurer on Oct. 1.

The complaint sets forth that, in pursuance of the charter, Mayor Sullivan appointed William Wesley Woolen city controller, Allen W. Conduitt, Morris M. Deffrees and Adolph Scherrer members of the Board of Public Works, and that these appointees were duly qualified as such officers on March 9, 1891, and entered upon the discharge of their official duties. It is further shown that the Board of Public Works appointed as clerk Bartley H. Parker, and that these officers, since their appointment, occupied and still occupy their respective offices, and no successor to them has ever been appointed or qualified. It is claimed that the city controller is entitled by law to receive a salary at the rate of \$2,000 per year; that the members of the Board of Public Works are each entitled to a salary at the rate of \$1,500 per year; that the clerk of the Board of Public Works is entitled to one at the rate of \$800 per year. It is then charged that William Wesley Woolen, controller, pretending to act under and by the authority of an ordinance entitled, "An ordinance authorizing the employment of certain clerks and assistants and fixing the salaries and compositions of certain officers, clerks and employees of the city of Indianapolis," ordained and approved by the Common Council and Mayor of said city on April 15, 1891, has unlawfully issued orders upon the city treasurer for the payment to himself in installments of his salary at the rate of \$3,000 per year, and has also unlawfully issued his orders on the city treasurer to Bartley H. Parker for the payment to him of installments of his salary at the rate of \$1,000 per year, and also has unlawfully issued his orders on the city treasurer to Allen W. Conduitt, Morris M. Deffrees and Adolph Scherrer for the payment to them of installments of their salaries at the rate of \$2,000 per year, and that John Osterman, late city treasurer, has paid such orders so drawn upon the treasury by the city controller.

Complainant Martindale then states that he is informed and believes that the charges the fact to be that Controller Woolen has given out publicly that he intends to and will continue to issue his orders to these officers for salaries at such excessive and unlawful rates, and unless restrained he will so continue to issue such unlawful salaries to these officers, and that Victor M. Backus, city treasurer, threatens to and will, unless restrained, pay said orders so drawn upon the treasury by the city controller.

It is then prayed that Woolen be perpetually enjoined from issuing to himself as city controller, Allen W. Conduitt, Morris M. Deffrees and Adolph Scherrer, members of the Board of Public Works, and Bartley H. Parker, clerk of the board, any order on the city treasurer for any installment of salary at a rate in excess of \$2,000 per year for said city controller, \$1,500 per year for each member of the Board of Public Works and \$800 per year for the clerk of the Board of Public Works, and that Victor M. Backus, city treasurer, be enjoined from paying any such excessive order so long as said officers continue to hold their offices under their present terms of office, respectively. It was also asked that a temporary injunction be granted against the defendants.

The attorneys will, early in the week, ask the court to set a date for the hearing. They are anxious that, if possible, a final hearing should be had upon the request for a permanent injunction before Oct. 1, the date upon which the quarterly salaries are paid.

## A Bit of Sarcasm.

A hand-bill, bearing the following legend, has been circulated over the South Side within the past week:

## EXCURSION.

A grand free excursion will be given by the citizens of the South Side for the benefit of the Mayor and Board of Public Works.

## On Sunday, Sept. 13, 1891.

## To the

## GREEN-HAM-STEET LAKE.

The beautiful steamer Asphallum will leave the West-side dock, at 10:30 a. m., for an hour's ride on the lake. After the return of the steamer all parties desiring to visit the hotel, Garfield Park will be allowed to do so without charge by walking one and a half mile. Take the hotel-street cars for the lake, or for comfort and pleasure, walk.

## A Husband Restrained.

Ella Gividen yesterday filed suit for divorce and alimony against her husband, William M. Gividen, on the grounds of failure to provide, and obtained from the Superior Court a temporary restraining order to prevent the Citizens Street-railroad Company from paying Gividen his wages.

## Given to the Children's Guardians.

The case of the Board of Children's Guardians against Mary Ward, for custody of Anna, Lizzie and Lena Ward, was heard in chambers yesterday by Judge Brown of the Circuit Court. The children were given to the board.

## Notes from the Dockets.

William Heister, of Brazil, was fined \$10 and costs by Judge Woods yesterday for sending obscene literature through the mails.

A motion for a new trial in the Manning case was argued in the Criminal Court yesterday. It was overruled and judgment rendered on the verdict.

## THE CIVIL WAR IN CHILL.

Hon. Thomas H. Nelson Talks of Its Causes—What Will Follow Balmaceda's Defeat.

Hon. Thomas H. Nelson, of Torre Haute, passed through the city yesterday on his way to Fort Monroe to take part in a trial in which he is deeply interested. Mr. Nelson was formerly United States minister to Chili. A reporter of the Journal, who encountered him yesterday, asked him for a statement of his views concerning the recent war in that country.

"Having passed several of the most agreeable years of my life in the beautiful republic of Chili," said Mr. Nelson, "I have naturally been deeply interested in the recent uprising in that country from its inception, but I have no information on the subject except that derived from newspapers and periodicals. It is impossible to reconcile partisan statements, which are both confusing and conflicting. It appears that the contest grew out of a wide divergence of opinion concerning the extent and limitations of legislative and executive powers under the constitution. The late Chilean Congress made a stand for cabinet government; that is, that the Ministry should be in accord with the legislative majorities in conformity with law and precedent, as they claimed. The Balmaceda administration contended for the independence of the executive power and for the presidential system substantially as it is practiced in the United States. It was charged by Balmaceda's opponents that he had adopted illegal and oppressive measures for personal aggrandizement, leading to a military despotism. To that end he debauched the civil service, so as to control the presidential and congressional elections; that he was only supported by the ignorant populace, and that the educated and influential classes who were interested in the country's welfare, were arrayed against him and his policy; that the revolt was a stand made by patriotic citizens

against personal government and political usurpation. In a word, that their struggle was for constitutional liberty and representative government.

"On the other hand," continued Mr. Nelson, "it was claimed that Balmaceda's election to the presidency was a popular movement for emancipation from aristocratic rule and clerical domination; that he was the leader of the masses against the classes—of the common people against the land barons, and that he was the patriotic defender of a republican constitution against monarchical innovation. Newspaper readers are familiar with the incidents of the struggle for supremacy, and of the final appeal to the arbitrament of the sword, culminating in the overwhelming triumph of the Congressional party and the utter demolition of the government of Balmaceda. From present indications this result is accepted by Chileans as final. Diplomatic relations will at once be established and the new government recognized by this civilized world. The republic of Chili, purified and strengthened by the fierce trial through which it has passed, will resume the high place it deserves to occupy in the family of nations. The Chileans are the Anglo-Saxons of South America and are fully up to the era of railways, telegraphs and popular education. The proper remedy to avert future conflicts would seem to be a constitutional convention, fairly chosen, by which the anomalies of the present system of laws and precedents may be removed or rectified."

## ASSETS OF A DEFUNCT BANK.

What Was Gilt-Edge Paper Goes to Bidders on Small Offers—Too Much Real Estate.

Yesterday morning, at the south door of the court-house, Frank D. Stalnaker, receiver of the banking firm of Fletcher & Sharpe, sold at public auction the remaining effects of that firm. The property sold consisted of a farm, a few lots, a number of accounts, and overdrafts, and notes, which at one time represented several hundred thousand dollars, with a gilt-edge finish. These effects, if sold at their face value, would have brought one million dollars, but the amount realized was about \$3,500, and the receiver considers that satisfactory.

When the sale began there were forty persons present, of whom few were bidders. It opened with the offering of a 50-acre farm in Monroe county, which was knocked down to Wm. L. Higgins, at \$900. Following this came two lots in Greenwood, upon which considerable taxes had accrued and which brought only \$110. The most spirited bidding was between O'Connor and Simon Yandes, on an \$18,000 claim against the estate of the late Elijah T. Fletcher, which was finally knocked off to Mr. Yandes for \$2,500. There were a number of claims of large dimensions. Among these were individual notes of Ingram Fletcher for \$448,000; of Albert E. Fletcher for \$240,000; of Ebenezer Sharpe for \$100,000; of Albert E. and Ingram Fletcher, jointly, for \$58,000. These were sold at a mere song, a quarter of a million going for \$5, and nearly a half million bringing no more. They were bought by friends who desired the satisfaction of making a present of the paper to the makers. The overdrafts amounted to \$18,000, and sold for a few dollars, collection being barred by the statute of limitations. Other notes, representing a value of \$40,000, brought a few hundred dollars.

The sale will be reported to the court on Monday for confirmation or rejection. Mr. Stalnaker says the affairs of the bank proper will be wound up in October, at which time the estate of S. A. Fletcher, which was involved with the affairs of the bank, will be sold. The real estate of the bank, sold soon after it closed its doors at a time when the estate was depressed, would have brought sufficient money to have paid the bank's debts, and left them a handsome surplus besides. As it is, the estate of S. A. Fletcher, which was involved with the affairs of the bank, will be sold. Some not only realized very cent of their claims, but made large profits on their investments.

## BAKER PASHA'S HARD FATE.

It Was Brought About Through the Influence of Queen Victoria's Physician.

Marcus de Fontenay, in New York Recorder.

One of the most welcome and favored guests of Queen Victoria during her recent stay at Osborne was Sir William Jenner, the famous physician, who has been her most trusted medical adviser for nearly forty years. His influence over the royal health, but also in other matters, and never was a more striking manifestation thereof given than in the case of poor Baker Pasha, who was dismissed from his colony of the Tenth Hussars—the crack cavalry regiment in the service—and deprived his Order of the Bath and of all other decorations and war medals in consequence of his unfortunate railroad adventure with Miss Dickinson.

Miss Dickinson happened to be a near relative of Sir William Jenner, who was, moreover, very fond of her, and both at court and in the army it is well known that he was the principal cause of the Queen's harsh and relentless attitude to a man who had been one of her most gallant, brilliant and loyal officers. I have neither time nor inclination to make out the details of the scandal which resulted in Baker's disgrace, and it is possible that, having been a friend both of himself and of his charming and elevated relative, he prejudiced his friends in his favor. But now that he is dead it is generally admitted in London society and elsewhere as well as in the army, that Baker was more sinned against than sinning, and the entire incident, grossly exaggerated and misrepresented by the relatives and friends of the lady, originated in her indiscreet talk and her to say the very least—rapid behavior.

Even the judge who sentenced him to a year's imprisonment was heard to regret later on his severity, and when Baker died the other day, rehabilitated by his friends and by his former comrades—by every one, indeed, except his Queen, whose mind had been kept poisoned against him by the whole British press united in a chorus of regret and in an expression of the universal feeling that he had been not so much of an offender as a victim.

Both in Turkey and in Egypt, after his dismissal from the English army, he rendered splendid service on many battle-fields, being dangerously wounded on one occasion. Indeed so important were the services he rendered on the battle-fields around Suakin that the Khedive wrote a personal autograph letter to Queen Victoria entreating her to pardon and rehabilitate Baker as a reward for what he had done in behalf of Egypt. The Queen, however, vouchsafed no answer to this letter, and up to the time of his death she would never permit his name to be mentioned in her presence.

Baker Pasha was a brother of the well-known African traveler Sir Samuel Baker, who is as loquacious and self-assertive, also all as loquacious, as his unfortunate and in every way superior brother was unassuming and silent. Indeed, had not Baker Pasha observed such a cavalierous silence at the time of the trial, and refused to permit his counsel to cross-examine the prosecutrix the verdict would probably have gone the other way and he would have been saved. No name to-day is more honored and regretted than his in the English army.

## WOMEN AND MEN.

What the Average Man Thinks About Some Feminine Peculiarities.

Drake's Magazine.

A source of never-failing wonder to the average man is the average woman's admiration for him. Precisely what there is about his hairy and clear-cut person that attracts a sweet-breathed woman he cannot divine. And the average man is apt to laugh at the average woman for the choice she makes when she falls in love. For the man who is loved of woman is he of fine manners, of considerable conceit and a soft voice, and of those qualities which are essential to this; and he knows that "the who holds loosely the love of a friend or a brother, is unworthy to take upon himself

any obligation more sacred or binding." All this accounts for the average man's laugh when his woman friend falls in love with—somebody else.

The man popular with women is seldom popular with men. This does not seem to be due so much to any feeling of jealousy as to the fact that the man popular with women is quite often a shade selfish, and will seek admiration even if his friends are for the time cut off from the sunshine of his fine manners. More than this, "moderate people—those who ponder carefully, who see many sides of a subject, who are able to appreciate the good points of their enemies and the failings of their friends, who strive to be accurate in judgment rather than to be effective and striking—are seldom so popular and so attractive as those who put force and brilliancy and sparkle into the foreground," and the average man dislikes to see real worth outshone by superficiality. And then often the popular man with women is set down as a fool because "a fool always finds some one more foolish than himself to admire him." It has been said that if you want a man to do his best shut him up where he'll never see a woman, and doubtless it has been thought that since the ladies' man sees them so much he must be a sort of "poor stick" when it comes to a question of man's respect for man. At any rate, "love breeds not with ambition," and it is the ambitious man whom men like, and that's doubtless the amount of it.

It is curious that the same rule does not hold good for women and men. The woman popular with men is, in nearly every case, popular with women. Whether this is due to woman's superior sweetness of character, or to the fact that woman's popularity with women is based upon qualities almost opposite to those essential to man's popularity with men, is a question which ladies' men and popular girls may decide. This paper is written by an unpopular man, so no offense need be taken, or if there is, no harm will be done, when we say that certain it is, old maids, school-teachers and "slow" girls are generally unpopular with their sex; men of the same stamp are almost invariably popular with men. J. S. Blackie has said: "Life is an earnest business, and no man was ever made great or good by a diet of broad grins." To a woman, and especially to a young woman, this is not evident.

## VON MOLKE ON BAZAINE.

Metz Was Not Taken on the Merits of the Situation.

The idea that Bazine was made a scapegoat and offered up as a sacrifice to French vanity is disposed of in the following extract from Molke's work on the war of 1870.

"The position of the French at the battle of Mars-la-Tour, on Aug. 16, was very advantageous. They had a strong position protected by the fortress of Metz, and the right for formidable batteries placed along the left bank of the Moselle. They could wait in security for any attack in the center. If the marshal of France advanced he might have even defeated the enemy by attacking in front. It is difficult to see from a purely military point of view why he did not choose the latter alternative. There could be but little doubt that only a portion of the German armies, and probably a very small portion, had crossed the Moselle, and the French would certainly have been the stronger if in the course of the day the divisions remaining in Metz had advanced. But it appears that the marshal feared above all things to be obliged to go away from Metz. His principal preoccupations were for the left flank. While constantly reinforcing the left flank, he massed the guard and a portion of the Sixth Corps before the Bois de St. Privat. He was not without a good reason for this. He was not influenced by military considerations only, and that he obeyed political preoccupations. From the correspondence it is known, as well as the conduct which he observed in the battles before Metz, it is perfectly clear that he was strongly opposed to any idea of quitting the fortress. He feared by its walls, he could maintain a considerable army in good order until a favorable opportunity should present itself. The only French army which was not weakened, he found himself in the way of exercising greater power than any man in the country; and it is not impossible to conceive that the marshal who exercised the greatest power might be willing to offer terms that might have induced the enemy to allow him to go out."

This is no mean testimony, and it certainly goes to show that instead of Bazine being sacrificed to French vanity, it was France that was sacrificed to Bazine's ambition. After all, there seems to have been a terrible loss in that exclamation, which perhaps too often been the occasion for the sneers of fools. "Non sommes trahis!"

## WHY ALEXIS IS SINGLE.

Interesting Story of a Love Affair in Which the Czar's Second Brother Figured.

Cable Special to Chicago Tribune.

It has always been a matter of comment that the second brother of the Czar, in spite of his forty-one years, has never been married and shows no disposition to enter the holy state. The facts why the Grand Duke Alexis Alexandrovitch, grand admiral of the Russian fleet, is a bachelor and why he will remain so until his death are now made public. When quite a youth he fell deeply in love with a girl named Vera Shoukovskaya, daughter of the great Russian poet, and who was the tutor of the Emperor Alexander III.

Vera, though not pretty, was remarkably intelligent. The young people met often and their love was mutual and ardent so ardent, indeed, that the daughter of the great poet forgot her prudence. Then a decided scandal broke out. The girl went hand and hand to the Emperor, and upon their knees, begged his consent to their union. The Emperor was equally severe, lamenting bitterly that her favorite son should desire to marry a daughter of the people. The punishment that followed their indiscretion was harsh. Vera was banished from court and sent to a small farm belonging to one of her relations, where she was kept in the utmost seclusion. The Grand Duke Alexis was handed over to the care of the celebrated Russian admiral, Possiet, and was sent off on a cruise around the world. Vera, however, was no ordinary character. She escaped from exile and set sail for America, rejoining the Grand Duke in New York. There, in exchange for a round sum of money, an orthodox priest of the Greek Church made them man and wife, and from that moment Vera accompanied the Duke wherever he went. In Canada she gave birth to a fine boy, but, weakened by her long and fatiguing travels, she fell ill, and upon her return to Europe was obliged to go to Montreux, in Switzerland, in the hopes of successfully fighting the first seeds of rapid consumption. The Grand Duke retired to St. Petersburg, where he daily received news of his beloved, which became more and more alarming every day till at last the physicians pronounced the case hopeless. The Duke then went to his father and told him all. Alexander, a good and a good-hearted man for an Emperor, said:

"I have known the whole affair for a long time, and I know also that there are no obstacles for those who love. Go, my son, and comfort the last days of this unhappy lady."

The Duke immediately left for Switzerland, whence a few months later he returned an inconsolable widower. Before her death the young wife obtained from her husband a double promise—not to neglect her son and never to marry again. Alexis has kept his word, and in the face of the influence of the Czar and all the imperial family has resolutely refused to marry. His son is receiving a careful education in Switzerland, but up to the present moment has never set foot in Russia.

It is now understood that the reigning Czar, who is deeply attached to his brother Alexis, is on the point of bestowing on the young son of the Grand Duke and his Vera full recognition and the titles which naturally belong to him. In this decision he has been greatly influenced by the Empress, and it is thus that there is shortly to be a new grand duke in the person of a young and charming fellow of seventeen.

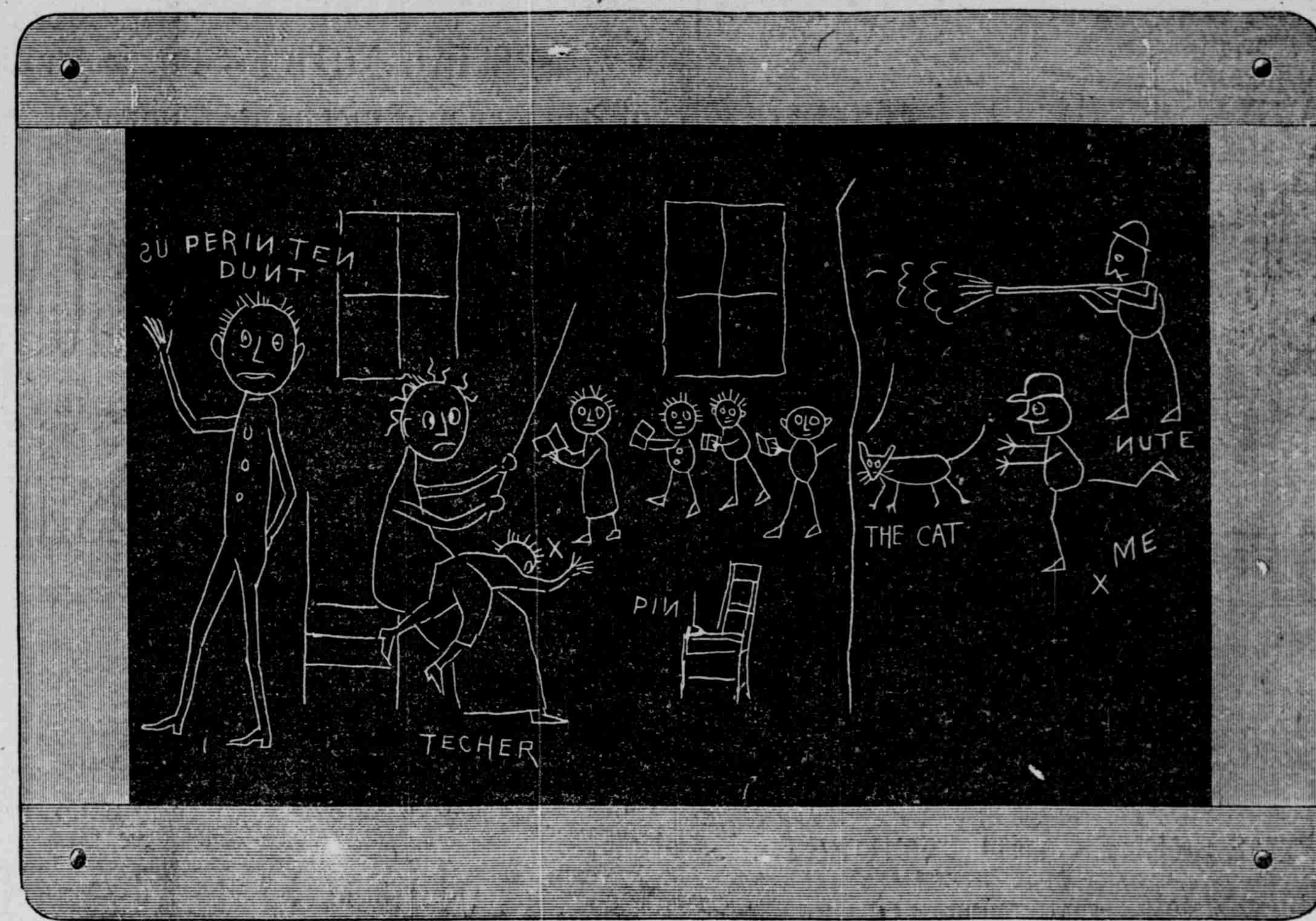
## Sunday Hats.

These celebrated hats, stiff and silk, the best hats made, now ready for fall and winter, at Seaton's Hat Store, 27 North Pennsylvania street.

☞ Slightly warmer; fair weather.

## FREDDY'S SLATE

And his Letter to the WHEN.



deer mister When

our scool is goin to tak up nex weke an my ma is goin to tak all us kids to the When fer nu close but i thort

i wold rite an let u no we was Kumin

all us boys likes the WHEN cos you giv's sush nise prisuNTS

nute smith he got a gun once with his nu soot. an we jus had lodes of fun shotin Kats. Nute hes my pard.

hes a reglar hair Kurler

Do yu think scool is any good I dont nether dos nute and my unkle Si ses i no as mush as mos groan folks

so wats thuse goin to skool i kant fine words to tel yer how i dispe it sow am goin to draw a Kartoon about it on

my slaight in a dandley drawer thats the techer a sittin down lain it on with a stik & the rix on tother chare is

whi shes lain it on sow thick. thats me which is marked X and thats the sooperentendunt standin behint her HE

set onto the PIN & u ort to seen him gump in the rite han kornur ov the slat is me & nute Smith Plain Hokky

shutin kats with his WHEN Gun thats the kine o stuf wat soots me & Nute your fren Freddy

P. S. wat you goin to giv with soots this yer Freddy

P. S. Sen bak mi slaight Freddy

## Clothing Buyers of Indiana,

## WE GREET YOU!

This is to be a fall of abundance. Never has wealth sprung from the soil in greater volume than in the year now drawing to a close. The effect of prosperity will be felt in every industry and by all classes of people. It will mean to every one greater resources and increased luxuries. The luxury of more amusements. The luxury of richer adornments for the home. The luxury of better clothes, and plenty of them; and the satisfying of a thousand and one desires that follow in the wake of wealth and good fortune.

To some this golden stream of success will flow in rivers, and to others in brooks and rivulets, and, according to each circumstance and every condition, we are prepared to meet your clothing desires, and lay before you, for your inspection, a representative product of the world. We are quite sure that you will find no such exhibit of Clothes, Furnishings and Hats as we have prepared for you, and we positively know that in price—whether you buy from necessity or for luxury—we can save you ONE PROFIT at

## THE WHEN

## SCHOOL BEGINS NEXT WEEK.

Our tables are loaded with correct shapes, prevailing styles, and prices always below competition, at

## THE WHEN

30 to 40 North Pennsylvania St., Indianapolis.

## INDIANA BRANCH STORES

Greencastle, Anderson, Marion, Fort Wayne, Brazil, Terre Haute and Lafayette, with several other States that might be counted in.

☞ To-morrow being LABOR DAY, the WHEN will close at 9:30 a. m., for the day.